MEETING OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

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REVIEW OF THE GENERAL STATUS AND OPERATION OF THE CONVENTION

Report of the Standing Committee of Experts on the General Status and Operation of the Convention to the Second Meeting of the States Parties

I. Introduction

1. The Standing Committee of Experts (SCE) on the General Status and Operation of the Convention, established in accordance with the decisions and recommendations of the First Meeting of States Parties (FMSP), held from 3-7 May 1999 in Maputo, Mozambique, met in Geneva at the International Conference Centre on January 10 and 11, 2000, and at the Geneva International Centre for Humanitarian Demining on May 29 and 30, 2000.

2. In accordance with paragraph 25 of the final report of the FMSP and the Report's annex IV, it was agreed that Canada and South Africa would serve as Co-Chairs of the SCE, with Belgium and Zimbabwe serving as Co-Rapporteurs.

3. Representatives of 43 States that have ratified the Convention, 9 States that signed but have not ratified the Convention, 10 other States, the International Committee of the Red Cross (ICRC), the International Campaign to Ban Landmines (ICBL), 7 regional and international organizations, including the United Nations, and 13 non-governmental organizations were registered as participants in the meetings.

4. The Meeting received administrative support from the Geneva International Centre for Humanitarian Demining (GICHD).

II. Matters reviewed by the SCE

5. The Committee discussed the need to continue efforts in support of the **universalization** of the Convention and noted the continued growth in the number of states that have formally accepted the obligations of the Convention. The ongoing work of a number of states to encourage universalization was noted, as were the efforts of various international organizations, the ICBL the ICRC.

6. The Committee discussed progress made in implementation of and compliance with **Article 7** of the Convention. While the rate of compliance with the Convention's transparency provisions, contained in Article 7, is not dramatically different relative to other Conventions, concern was raised that several states have not yet provided required reports. The importance of timely, consistent and detailed reporting was highlighted and recommendations were made with respect to the reporting process.

7. The Committee discussed measures taken to implement **Article 9** of the Convention, particularly the need to promote greater understanding of the different approaches taken with respect to national implementation measures. In addition, the Committee heard concerns about only a limited number of States Parties having established legislation as part of the "appropriate legal, administrative and other measures, including the imposition of penal sanctions", as required in terms of Article 9 of the Convention.

8. The Committee discussed matters pertaining to **Article 2**, particularly matters related to anti-handling devices and the sensitivity of anti-vehicle mines' fusing devices. Ideas, like examining these issues through informal expert work and working towards the agreement by States Parties on an *understanding* on the matter were put forward. There was no agreement on proceeding with either idea at this time, although an ICRC initiative to discuss these matters was welcomed. Several States Parties affirmed their view (*a*) that mines equipped with anti-handling devices that activate when no attempt has been made to tamper with or otherwise intentionally disturb these mines are in fact anti-personnel mines as defined by the Convention and (*b*) that fusing mechanisms that cause anti-vehicle mines to function as anti-personnel mines are also anti-personnel mines as defined by the Convention.

9. The Committee received the views of the ICBL with respect to States Parties working towards a common understanding of which acts are and are not permitted under paragraph *c* of **Article 1** of the Convention. In particular the ICBL called for a common interpretation of the term "assist", especially relating to the use of anti-personnel mines by non-States Parties in joint operations with States Parties and the stockpiling and transit of foreign-owned anti-personnel mines.

10. The Committee highlighted the need for greater understanding of matters pertaining to anti-personnel mines retained for training and development under **Article 3** of the Convention. To this end, the Committee received numerous reports from States Parties clarifying the reasons why mines are retained, how mines have been used to date and how they will be used in a manner consistent with Article 3 in the future. The Committee heard the view that mines retained under Article 3 should be kept to a minimum.

11. The Committee received the views of the ICBL with respect to States Parties meeting their obligations under **Article 6** of the Convention and, in particular, reviewed the need to provide support for victim assistance programs. The Committee also reviewed the development and implementation of the UNMAS database of donor activity, *Mine Action Investments*.

12. The Committee discussed the relationship between UN standards for mine clearance and **Article 5** of the Convention, concluding that there is no contradiction between the two.

13. The Committee discussed the need to examine matters pertaining to the operationalization of **Article 8** in order that all structures and methodologies are in place for smooth execution whenever

needed. To this end, the Committee agreed to an ongoing action to further discuss these matters.

14. The Committee evaluated the Convention's first **intersessional program** and highlighted the need to make improvements, principally to streamline the process and address participation issues. To this end, the Committee made numerous recommendations.

15. The Committee discussed a number of matters pertaining to preparations for the SMSP and recommended a draft agenda, a draft program, draft amendments to the FMSP rules of procedure, and draft provisional cost estimates. The Committee also made a number of administrative decisions, including agreeing to the venue for the meeting and to a plan for documentation.

III. Tools and instruments developed or being developed to assist in the implementation of the Convention

16. With respect to **Article 7**, the Committee received an overview of the United Nations Department for Disarmament Affairs' Internet database of reports submitted under the Article. While ideas to enhance the reporting process were heard, like moving to direct Internet-based reporting, the Committee recognized that immediate efforts with respect to Article 7 reporting should be focused on encouraging a higher rate of compliance and taking small measures to facilitate the process. These small measures include States Parties, when possible, submitting reports electronically and, when submitting an annual update, to highlight the changes in relation to earlier reports.

17. Also with respect to **Article 7**, States Parties were invited to work with the ICBL on developing a reporting guide as a means of increasing the quantity and quality of the Article 7 reports. The ICBL was invited to make a progress report to the next meeting of the SCE.

18. With respect to **Article 6**, the Committee welcomed the UNMAS database *Mine Action Investments*, developed with the assistance of Canada, as a practical means for donors to share information on their activities for the purpose of enhanced coordination and greater transparency. Donors were encouraged to enter data into the database before the SMSP in order to increase the usefulness of this tool and to allow for more substantial analysis of donor activity. Monitoring participation in the database was considered a useful ongoing task for the Committee.

19. With respect to **Article 9**, States Parties were invited to work with the ICBL and other interested parties on developing a sample package of existing implementation legislation to assist other States Parties in establishing legislation. A progress report should be made on this issue at the next SCE.

IV. Actions taken or in process to assist in the implementation of the Convention

20. With respect to **Article 5**, based upon a statement made by Canada with respect to the compatibility between international standards for mine clearance and Convention obligations under Article 5 of the Convention, the SCE agreed that Convention obligations and international mine clearance standards are not incompatible.

21. With respect to **Article 7**, the Co-Chairs of the Committee agreed to continue to coordinate joint actions to encourage compliance with Article 7.

22. With respect to **Article 2**, the Committee welcomed as a useful step forward the offer of the ICRC to host technical discussions on how to minimize the risk of detonation of anti-handling devices through accidental or inadvertent contact and on sensitive fusing mechanisms for anti-vehicle mines. The ICRC indicated that these discussions may be held in early 2001 and encouraged States Parties to prepare technical studies on these issues for discussion at that time. Details on the proposed seminar will be provided at the next meeting of the Committee.

23. With respect to **Article 8**, based upon a paper developed by Canada and discussed at the Committee's second meeting, the Committee agreed that expert work should proceed in the lead-up to the first post-SMSP meeting of the Committee on elaborating upon "standards of evidence" which may be used as a basis for initiating a "Request for Clarification", the maintenance of a list of experts, fact-finding missions and financial issues.

V. Recommendations made by the SCE

24. With respect to the post-SMSP **intersessional program**, the Committee made the following recommendations for consideration by States Parties at the SMSP:

a. Duration of Meetings: It was recommended that only three periods of meetings be held annually, including the Meeting of States Parties. That is, each SCE shall meet twice between Meetings of States Parties, once during an initial week-long session of meetings in November or December 2000 and once during a week-long session of meetings in May 2001.

b. Number of Committees: In the interest of efficiency, it was recommended that directly related themes be merged into one SCE, particularly that the committees for mine clearance and technologies for mine action be combined into one committee without excluding discussions on technology, when necessary, on the part of the committees responsible for victim assistance, socio-economic reintegration and mine awareness, and stockpile destruction. Thus there would be four committees as follows:

- Mine Clearance and Related Technologies (meeting for 1.5 days during each of the two week-long sessions of meetings)
- Victim Assistance, Socio-Economic Reintegration and Mine Awareness (meeting for 1.5 days during each of the two week-long sessions of meetings)
- Stockpile Destruction (meeting for 1 day during each of the two week-long sessions of meetings)
- General status and Operation of the Convention (meeting for 1 day during each of the two week-long sessions of meetings).

Example:

First day	Second day	Third day	Fourth day	Fifth day
Victim Assistance	Victim Assistance (a.m.)/Mine Clearance (p.m.)	Mine Clearance (p.m.)	Stockpile Destruction	General Status and Operation

c. Language of Proceedings: To further enhance active participation in the work of the

committees, it was recommended that States in a position to do so consider making voluntary contributions to have additional languages made available for the intersessional meeting.

d. Date of Meetings: It was recommended that the first of the two week-long sessions of meetings take place in November / December 2000. It is further recommended that the second of the two week-long sessions of meetings take place in May 2001.

e. Supporting Participation: It was recommended that consideration be given to developing a mechanism to provide for assistance to support participation in meetings of the Convention.

f. Role of Co-Chairs: It was recommended that committee co-chairs may, as appropriate, seek ongoing support and advice of past Co-Chairs.

g. Name Change: It was recommended that the *Standing Committees of Experts (SCEs)* be referred to as *Standing Committees (SCs)*.

h. Post-SMSP Rapporteurs: It was recommended that the following states be nominated to serve as committee rapporteurs following the SMSP:

- Mine Clearance and Related Technologies: Germany and Yemen
- Victim Assistance, Socio-Economic Reintegration and Mine Awareness: Canada and another state to be determined
- Stockpile Destruction: Australia and Croatia
- General Status and Operation of the Convention: Norway and Thailand

25. With respect to the **Article 7 reporting process**, the Committee made the following recommendations for consideration by States Parties at the SMSP:

a. In order to provide States Parties with the opportunity to report voluntarily on matters pertaining to compliance and implementation not covered by the formal reporting requirements contained in Article 7, it was recommended that States Parties amend the Article 7 reporting format to include an additional form: "Form J: Other relevant matters".

b. It was further recommended that States Parties consider using this form to report on activities undertaken with respect to Article 6, in particular to report on assistance provided for the care and rehabilitation, and social and economic reintegration, of mine victims.

VI. Reference to supporting documents

26. The United Nations Department for Disarmament Affairs database of reports submitted under Article 7 can be found at http://domino.un.org/Ottawa.nsf.

27. The UNMAS database of donor activity, *Mine Action Investments*, can be found at http://www.un.org/Depts/dpko/mine/.

28. The statement made by Canada with respect to Article 5 (see paragraph 20 above) can be found appended to the report of the first meeting of the Committee, at www.gichd.ch.

29. The paper circulated by Canada with respect to Article 8 (see paragraph 23 above) can be found appended to the report of the second meeting of the Committee, at www.gichd.ch.

30. The draft amendment to the Article 7 reporting format (see paragraph 25 above) can be found appended to the report of the second meeting of the Committee, at www.gichd.ch.